REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed July 18, 2007. In the Office Action, the Examiner rejects Claims 3, 4, and 7-16 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner rejects Claims 1-3, 6-8, and 12-14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,659,768 to Forbes et al. The Examiner also rejects Claims 4, 5, 9-11, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over Forbes.

Applicant submits amendments to Claims 1, 3, 4, and 6-16 for clarification and to further patentably distinguish Forbes. In light of the claim amendments and subsequent remarks explained more fully below, Applicant respectfully requests reconsideration and allowance of the claims.

A.   Rejections of Claims 3, 4, and 7-16 under 35 U.S.C. § 112, ¶ 2

The Examiner raises new rejections under §112, second paragraph, by finding that Claims 3, 4, and 7-11 recite conditional claim limitations, while Claim 12 does not require the steps of the claim to actually be performed since the claim recites "configured to" in the preamble. The Examiner also believes that Claim 11 requires clarification for antecedent basis with respect to "the set start date" and "the set end date."

Although Applicant disagrees with the rejections, Applicant has amended Claims 3, 4, and 7-11 to remove the conditional claim limitations by using the terminology "based on a determination that" rather than "if" or "when." Claim 11 has been amended to clarify antecedent basis by reciting the "initial" start and end dates. In addition, Claim 12 has been amended to remove the "configured to" language from the preamble and, instead, recites that the computer-readable instructions, when executed, cause the data processing system to perform the functions recited in Claim 12. Therefore, Applicant submits that in light of the amendments to Claims 3, 4, and 7-12, the rejections under §112, second paragraph, are overcome.

     B.   **Rejection of Independent Claims 1, 6, 11, and 12 under 35 U.S.C. §§102(b)**
          and 103(a)

          a. Independent Claims 1 and 6

The Examiner rejects Claims 1-3, 6-8, and 12-14 as being anticipated by Forbes and rejects Claims 4, 5, 9-11, 15, and 16 as being unpatentable over Forbes. In Applicant's previous response, Independent Claim 1 was amended to recite that <u>the first and second dates are compared after receiving the respective signals designating the first and second dates</u>. Independent Claim 6 was similarly amended to recite comparing two of the dates in the series of dates to determine a chronological relationship between the two dates in the series of dates, <u>wherein the two dates are compared after receiving the series of dates</u>.

The Examiner contends that Forbes discloses this recitation and relies on portions of Forbes that discloses that a user enters the start time and end time or the start time and a duration (col. 8, lines 30-33), and that a determination of a chronological relationship between the start and end times is made by checking that the start time of the event occurs before the end of the range of time selected by the user (event.start <= range.end) and determining that the end time of the event occurs after the start of the range of time selected by the user (event.end >= range.start) (col. 6, lines 1-9).

However, col. 6, lines 1-9 of Forbes is unrelated to the determination of start and end times in response to entering the start time and end time or duration but, rather, relates to when a user selects a time to examine (col. 6, lines 1-2). A range of time is calculated based on the selected time (col. 6, lines 3-6), and a database containing the events is scanned to find those events corresponding to the selected time (col. 6, lines 7-10). In other words, <u>Forbes only discloses that the user is able to find those events that fall within a range of time corresponding to the selected time, which is in no way related to comparing dates in order to determine a chronological relationship therebetween after receiving the dates, and determining/setting a start date and an end date based on the chronological relationship, as recited by independent Claims 1 and 6</u>. Claims 1 and 6 have been reworded to clarify this distinction. Namely, Claims 1 and 6 recite that the dates are compared <u>after receiving the dates</u> in order to determine a chronological relationship between the dates. This chronological relationship is, in turn, used to determine a

start date and end date. In contrast, Forbes simply discloses inputting a start time and an end time but does not teach or suggest that a comparison is made between dates after receiving the dates in order to determine a chronological relationship between dates, <u>wherein the chronological relationship is then used to determine or set a start date and end date</u>, as recited by Claims 1 and 6. The Examiner is simply picking and choosing portions of Forbes that are not related to one another and such portions do not teach or suggest the claimed invention. Therefore, Applicant submits that Forbes does not teach or suggest independent Claims 1 and 6.

> **b.** **Independent Claim 11**

Applicant further submits that Forbes does not teach or suggest independent Claim 11, which recites enabling a user to modify the presented information by selecting a third date, wherein the third date is set as a new start date for the event range based on a determination that the third date falls within the event range, and the initial start date was received before the initial end date. The third date is set as a new end date for the event range based on a determination that the third date falls within the event range, and the initial end date was received before the set start date. Dependent Claims 4, 5, 9, 10, 15, and 16 provide similar recitations where a new date is received and set as a new start date or end date depending on when the set start date or end date was received.

The Examiner initially notes that the Applicant has not presented any patentable novelty with respect to independent Claim 11 or disclosed that the modification of start or end times based on when the start or end time was received in relation to the end time solves any stated problem, is used for a particular purpose, or provides any advantages. Applicant respectfully disagrees. For example, a user could enter an end date that the user cannot modify due to a scheduling constraint, while the user is more flexible with respect to the start date of the event. Thus, a user could first select a proposed start date and then a set end date and subsequently modify the start date by selecting a start date within the event range defined by the proposed start date and set end date. The same would apply for a user that has an inflexible start date and a flexible end date. Therefore, the method of Claim 11 provides a more efficient technique for users to select and modify dates when scheduling events. Regardless of the problem solved by, the advantages of, and/or the purpose of the claimed invention, the novelty and, in turn, the

patentability of independent Claim 11 lies in the fact that Forbes does not teach or suggest the elements of Claim 11.

With respect to the patentability of Claim 11, the Examiner finds that Forbes discloses modifying the presented information by selecting a date that falls within the originally determined event range, as recited by independent Claim 11. However, Forbes only discloses that the start and end times may be modified by dragging either end of a timebar (i.e., the start or end time), or that the user may select a left side of the timebar to change the start time or select a right side of the timebar to change an end time. In the Office Action, the Examiner states:

> For example, if an event had been scheduled to start at 9 AM and end at 11 AM, the user could modify the event to start at 10 AM, or end at 10 AM. If the left portion of the timebar is manipulated, then a new end time has been received and set.

However, even if Forbes discloses modifying a start date or end date, Forbes does not teach or suggest modifying the start date or end date based on **when** the initial start date was received in relation to the initial end date, as set forth by Claim 11. This is distinctly different than **where** on a timebar a selection is made, as disclosed by Forbes.

The Examiner again relies on col. 6, lines 1-9 of Forbes as disclosing that a start or end date may be modified after initial start and end dates have been set. Applicants reiterate that this particular portion of Forbes is made to locate scheduled events corresponding to a time selected by the user and is unrelated to modifying initial start and end dates. Even if col. 6, lines 1-9 of Forbes disclosed modifying initial start and end dates, Forbes in no way teaches or suggests that this function is used to modify start and end dates of an event based on **when** the initial start and end times were received.

Furthermore, the Examiner acknowledges that Forbes does not explicitly modify the start date specifically because the start date was selected before the end date. In addition, the Examiner acknowledges that Forbes does not disclose that the end date is modified because the end date was received before the start date. However, the Examiner relies on Official Notice in finding that:

> [M]odifying either the initial input, or the most recent input is old and well known in the computing arts. By modifying only the initial input, users would not be required to re-enter all subsequent inputs if no modification to said subsequent

inputs are required. By modifying only the most recent input, users would not be required to re-enter all previous inputs. Therefore, it would have been an obvious matter to a person of ordinary skill in the art to modify the end time when the start date was selected because doing so would yield a smarter, faster, more efficient interface for event planning.

Applicant fails to see the correlation between taking Official Notice and that it would have been obvious to modify the initial start date or end date based on a third date selected within the event range and when the initial start and end dates were received. Furthermore, Applicant requests that the Examiner provide a reference or other evidence supporting these assertions, as this conclusion is not "instant and unquestionable" as being well known at the time of the invention (MPEP § 2144.03) ("Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known."). In particular, Applicants traverse taking of Official Notice as the Examiner has failed to provide any evidentiary support that initial start or end dates may be modified in response to a third date selected within an event range and based on when the initial start and end dates were received.

In sum, the Examiner has presented the following arguments:

1) That a user can change a start time or an end time of an event by dragging either end of a timebar, or select a left side of the timebar to change the start time or select a right side of the timebar to change an end time;

2) That a user may enter a time to locate events corresponding to a range of time corresponding to the selected time; and

3) That it is allegedly old and well known to modify the initial input of a plurality of inputs so that the initial input does not have to be re-entered.

None of the arguments presented by the Examiner, taken alone or in combination, teach or suggest that a new start date or end date may be set in response to entering a third date that falls within the event range spanning the start and end dates depending on when the start date or end date was received. Therefore, Applicant submits that Forbes, whether taken alone or in view of Official Notice (which Applicant believes is improper), fails to teach or suggest independent Claim 11.

> c.   **Independent Claim 12**

Moreover, Applicant disagrees that Forbes discloses independent Claim 12, which recites that the graphical user interface provides a monthly calendar interface that allows users to select and view event ranges. In the Office Action, the Examiner relies on Figure 7 of Forbes that illustrates that a monthly calendar view may be used to display events that are already scheduled. In addition, the Examiner argues that Claim 12 does not require that the monthly calendar interface be used to schedule events and that the dates could be selected in the mind of the user.

Although Applicant disagrees with the rejection, Claim 12 has been amended to recite that the data processing system generates an initial view including a monthly calendar interface for users to select event ranges <u>thereon</u>, wherein upon receiving a signal designating a first date and a second date associated with an event <u>in response to a respective selection on the monthly calendar interface by the user</u>, the first date or the second date is designated as a start date for an event range based upon a chronological relationship between the first date and the second date, with the one of the first and second date that is chronologically before the other set as the start date, and the other date set as the end date. Thus, the user is capable of selecting dates on the monthly calendar interface (see e.g., FIGS. 3-5 and p. 10, ¶ 30 of the present application), which are then displayed on the monthly calendar interface (see e.g., FIGS. 4-5 and p. 10, ¶ 31). As such, amended Claim 12 allows users to schedule events via a monthly calendar interface and is not performed in the mind of the user.

<u>Conversely, Forbes does not disclose that the user may interact with a calendar or otherwise select dates on the calendar, which is unlike amended Claim 12</u>. Rather, the calendar depicted in FIG. 7 of Forbes is only for displaying events that are already scheduled rather than actually using the calendar as an interface for selecting dates to determine an event range. Claim 12 specifically recites "generat[ing] an initial view including a monthly calendar interface for users to *select* event ranges *thereon*." In addition, amended Claim 12 recites that signals designating a first date and a second date associated with an event are received <u>in response to a respective selection on the monthly calendar interface by the user</u>. In contrast, Forbes discloses that users may enter the start time and end time or duration, and that the start and end times may be changed by moving the ends of the timebar. Only previously scheduled events are displayed

on the calendar of Forbes. In fact, Forbes discloses that "[t]he invention depicts the placement of an event in time by providing a display of a standard Gregorian calendar on which tasks previously scheduled on certain days are shown" (col. 2, lines 63-65) and that "[d]isplay of the provided Gregorian calendar graphically depicts scheduling timeframes as well as identifies days on which events are already scheduled" (col. 8, lines 61-64). Therefore, Forbes clearly does not disclose that the monthly calendar is a graphical user interface that allows users to select dates and view the selected event range, as recited by independent Claim 12.

Therefore, in light of amendments and aforementioned remarks, Applicant submits that the rejections of independent Claims 1, 6, 11, and 12, and those claims that depend therefrom, under 35 U.S.C. §§102(b) and 103(a) are overcome.

CONCLUSION

In view of the amendments and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Trent A. Kirk
Registration No. 54,223

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON November 15, 2007.

LEGAL01/13062941v1